

AUG. 31. 2005 6:14PM  
TO: USPTO

ZILKA-KOTAB, PC

NO. 0178 P. 1

# ZILKA-KOTAB

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## FAX COVER SHEET

Date: August 31, 2005	Phone Number	Fax Number
To: USPTO: Examiner Woo		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: ABE1P001

App. No: 10/644,949

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

### Message:

Please deliver to Examiner Woo.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

\*\*\*\*\*  
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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

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Pgs 4 & 5 weren't received

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Practitioner's Docket No. ABE1P001

AUG 31 2005

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John R. Abe

Application No.: 10/644,949

Group No.: 3639

Filed: August 19, 2003

Examiner: Woo, R.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR THE OPTIMIZATION  
OF PRICE TO SATISFY CERTAIN BUSINESS OBJECTIVESMail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed June 7, 2005, for a second time rejecting claims 1-8, 13-15, 17, and 19-36.

## 1. STATUS OF APPLICANT

This application is on behalf of a small entity. Small Entity Status was requested at the time of filing.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

09/02/2005 MBINAS 00000010 501351 10644949

01 FC:2401 250.00 DA

## MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

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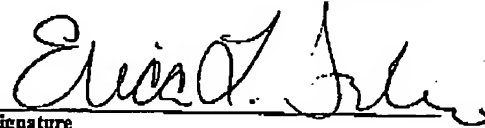
## TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date:

8/31/2005

Signature



Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

Small entity	\$250.00
Notice of Appeal fee due	\$250.00

**3. EXTENSION OF TERM**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	\$250.00
<b>TOTAL FEE DUE</b>	<b>\$250.00</b>

**5. FEE PAYMENT**

Authorization is hereby made to charge the amount of \$250.00 to Deposit Account No. 50-1351 (Order No. ABE1P001).

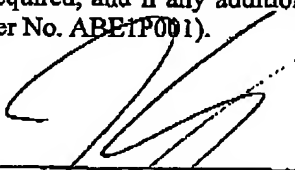
Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. ABE1P001).

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
Customer No.: 28875

  
\_\_\_\_\_  
Signature of Practitioner  
Kevin J. Zilka  
Zilka-Kotab, PC  
P.O. Box 721120  
San Jose, CA 95172-1120  
USA

Notice of Appeal from the Primary Examiner to Board—page 2 of 2